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EXAMINER	
BELANI, KISHIN G	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/749,023	YOSHINO ET AL.	
	Examiner	Art Unit	
	Kishin G. Belani	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/27/04, 12/30/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements submitted on 12-27-2004 and 12/30/2003 have been considered by the Examiner and made of record in the application file.

Claim Objections

Claim 27 is objected to because of the following informalities:

Claim 27 refers to claim 20, with the text "wherein said RF transceiver". There is no mention of an RF transceiver in claim 20. The examiner has interpreted the claim to mean "The apparatus of **claim 26** wherein said RF receiver".

Claim 30 is objected to because of the following informalities:

Step d in Claim 30 states "subsequent to the step of uploading the digital content". There is no mention of uploading the digital content anywhere in the claim. The examiner has interpreted the statement to mean "subsequent to the step of transferring the digital content from the content provider".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by **Parry (U.S. Patent Application Publication # 2003/0078963 A1).**

Consider **claim 1**, Parry describes a Ritz Camera® system at the website http://www.ritzcamera.com. When customers go to a Ritz Camera store to have their film developed, they are given a film roll ID and a password along with the developed film. Thereafter, the method described in claim 1 of storing and accessing a copy of digital content, located on a physical medium in possession of a user, on a server for subsequent access thereon by the user, is followed in the Ritz system (paragraph 0008), which also provides an option to use digital photos stored on a CD instead of a roll of film, said method comprising the steps of:

establishing a communication link with the server (when the customer logs on to the Ritz home page at http://www.ritzPIX.com, the customer establishes a communication link with the Ritz server);

providing to the server over the communication link, a request to store a copy of the digital content on the server (this request is made at the local Ritz store, when the film roll or a CD is taken for storing photos on a server);

providing to the server over the communication link a user ID (when the user logs on to the server at http://www.ritzPIX.com, he or she has to enter a user ID and a password, after which their digital photographs can be uploaded to the server);

uploading the digital content from the physical medium to the server over the communication link (the user has two options; either have the local Ritz store personnel upload the digital contents for him or her, or the user may himself or herself upload the digital contents off the CD);

subsequent to the step of uploading the digital content, providing a request to the server to receive the digital content from the server (when the user wishes to view their photographs on the server, he or she logs on to the server at http://www.ritzPIX.com, and enters a user ID and a password, after which the photographs are displayed);

subsequent to or simultaneous with the step of providing the request to receive the digital content, providing to the server the user ID (each time the user logs on to the server, he or she has to provide the user ID and the password); and

receiving the digital content from the server only after performing the above step (when the user wishes to view their photographs on the server, he or she logs on to the server at http://www.ritzPIX.com, and enters a user ID and a password, after which the photographs are displayed).

Although, the Ritz website does not specifically require a user to make a direct request in order to store a copy of the digital content on the server (in case of a roll of film), as it can be done by the local store employees on behalf of the user, Parry describes his system of automatic posting of digital images, wherein a user does make

a request to upload and automatically post digital images to a server site (Fig. 1, that shows a sender 24, using a computer system 30 to request to print and simultaneously post the digital camera image 22 to a website 32, via a network communication link 20; paragraph 0023 discloses the same details, summarizing the process in lines 19-22).

Consider **claim 8**, and **as it applies to claim 1 above**, Parry shows and discloses a method wherein the communication link is established over a computer network (Fig. 1, computer system 30 interfacing via sender interface 26 to a network communication link 20; paragraph 0023 that discloses the same details).

Consider **claim 9**, and **as it applies to claim 8 above**, Parry shows and discloses a method wherein the computer network is the Internet (Fig. 1, network communication link 20 shown with an interface to the Internet 34; paragraph 0024 that discloses the same details).

Claims 20, 21, 26, 28, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by **Katz et al. (U.S. Patent Application Publication # 2003/0140114 A1).**

Consider **claim 20**, Katz et al. show and disclose an apparatus for rendering digital content (Client Computer System 214 with attachable Mobile Playback Device 212 shown in Fig.2; paragraph 0022 lines 3-10, paragraph 0024 lines 1-4, and paragraph 0025 disclose the apparatus shown in Fig. 2; structural components of the

claimed apparatus are shown in Fig. 1; paragraph 0018 describes components of the disclosed apparatus shown in Fig. 1), comprising:

A communication interface for communicating with a remotely located server (communication device 125 shown in Fig. 1, linking the apparatus with the Library Server 260 in Fig. 2 via Distribution Network 240; paragraph 0018, lines 39-59 that describe device 125 in more details);

A digital signal processor for receiving digital content from the server over the communication interface (Processor 102 shown in Fig. 1, receiving digital content over bus 103 from the library server as shown in Fig. 2; paragraph 0018, lines 5-9 describe the processor 102);

a data storage device for storing the received digital content (Mass Storage Device 107 and Mass Storage Medium 108 shown in Fig. 1, for storing the received digital content; paragraph 0018, lines 15-23 describe the storage device 107/108);

a decoder for decoding the received digital content (software player 226 shown in Fig. 2 for decoding the received digital content; paragraph 0034, lines 14-18 that disclose the decoder device 226);

a digital to analog converter for converting the decoded digital content to an analog signal in which the content is embodied (Sound Circuitry 130 shown in Fig. 1; paragraph 0018, lines 59-68 that describe the digital to analog converter sound circuitry 130 in more details);

a renditioning unit for rendering the content embodied in the analog signal (Speakers 132 shown in Fig. 1; paragraph 0018, lines 59-64 that disclose these units); and

an input device for receiving a user ID, said input device being operationally coupled to the communication interface for communicating said user ID to the server (Keyboard 120 shown in Fig. 1; paragraph 0018, lines 0027-0030 disclose this user input interface).

Consider **claim 21**, and **as it applies to claim 20 above**, Katz et al. disclose the claimed apparatus including wherein said digital content is audio information and said renditioning unit is a speaker transducer (Fig. 1, speakers 132; paragraph 0018, lines 59-65 which disclose that the digital content may be audio information played back on speakers).

Consider **claim 26**, and **as it applies to claim 20 above**, Katz et al. disclose the claimed apparatus including wherein said communication interface is an RF transceiver (paragraph 0018, lines 53-56 which disclose that said communication interface is an RF transceiver, that provides radio or wireless transmission capability).

Consider **claim 28**, and **as it applies to claim 20 above**, Katz et al. disclose the claimed apparatus including wherein said communication interface is a cable modem (paragraph 0022, lines 12-14 which disclose that said communication interface is a cable modem).

Consider **claim 30**, Katz et al. disclose the claimed method of acquiring digital content from a content provider (Abstract, paragraph 0005 that describes secure transfer of digital information library programs to a client computer system and a mobile digital information playback device removably connectable to the client computer system), said method comprising the steps of:

establishing a communication link with the content provider (Fig. 2; paragraph 0022, lines 6-10 that disclose a standard telephone connection between the library site 250 and client site 210 through an Internet provider to enable data communication over the network);

providing to the content provider over the communication link a request to acquire digital content from the content provider by transferring the digital content from the content provider to a remotely located server (paragraph 0037, lines 3-8 that disclose library server receiving request from client computer system 214 over network 240 for purchase and delivery of selected digital information files provided by the Authoring system 280 (content provider));

providing to the content provider over the communication link a user ID (Fig. 2; paragraph 0037, lines 15-21 that disclose an authorization server 270 to authenticate the request with client information 272 that includes client's user ID);

subsequent to the step of transferring the digital content from the content provider, providing a request over a communication link to the server to receive the digital content from the server (paragraph 0038, lines 3-11 that disclose the client system 214

providing a request over a communication link to the server to receive the digital content from the server);

subsequent to or simultaneous with the step of providing the request to receive the digital content, providing to the server the user ID (paragraph 0039 and paragraph 0037, lines 15-21 that disclose an authorization server 270 to authenticate the request with client information 272 that includes client's user ID); and

receiving the digital content from the server only after performing previous step (paragraph 0037, lines 28-36 that disclose the transfer of the ordered digital content from the server to the client system 214, after proper authentication).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness
or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Parry (U.S. Patent Application Publication # 2003/0078963 A1)** in view of **Katz et al. (U.S. Patent Application Publication # 2003/0140114 A1).**

Consider **claim 2**, and **as it applies to claim 1 above**, Parry discloses the claimed method, except wherein executing the step of compressing the digital content prior to performing the step of uploading the digital content.

In the same field of endeavor, Katz et al. show and disclose a method wherein executing the step of compressing the digital content prior to performing the step of uploading the digital content (Fig. 2 that shows Authoring system 280 uploading compressed digital information files 262 to the library server 260; paragraph 0030, lines 1-6 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to compress the digital content prior to uploading it, as taught by Katz et al. in the method of Parry, so as to be able to store digital content more efficiently, since a compressed digital content file occupies a small fraction of the disc storage than an uncompressed file.

Consider **claim 29**, Parry describes a Ritz Camera® system at the website http://www.ritzcamera.com. When customers go to a Ritz Camera store to have their film developed, they are given a film roll ID and a password along with the developed film. Thereafter, the method described in claim 29 of storing and downloading a compressed copy of digital content to a subscriber in possession of a physical medium on which an uncompressed copy of the digital content is located, is followed in the Ritz system (paragraph 0008), which also provides an option to use digital photos stored on a CD instead of a roll of film, for storing on a server, said method comprising the steps of:

receiving a request to store a copy of digital content from the subscriber over a communication link (this request is made at the local Ritz Camera store, when a film roll is taken, or by a user when a CD is used to directly upload photos on a server using the Internet as a communication link);

receiving over the communication link a subscriber ID (when the user logs on to the server at http://www.ritzPIX.com, he or she has to enter a user ID and a password, after which their digital photographs can be uploaded to the server);

receiving over the communication link a compressed copy of the digital content from the physical medium in the possession of the subscriber (the user has two options; either have the local Ritz store personnel upload the digital contents for him or her, or the user may himself or herself upload the digital contents off a CD);

subsequent to the step of receiving the compressed copy of the digital content, receiving a request to download the digital content to the subscriber (when the user wishes to view their photographs on the server, he or she logs on to the server at http://www.ritzPIX.com, and enters a user ID and a password, after which the photographs are displayed and may be downloaded);

subsequent to or simultaneous with the step of receiving the request to receive the digital content, receiving the subscriber ID (each time the user logs on to the server, he or she has to provide the user ID and the password); and

providing the compressed copy of the digital content to the subscriber over the communication link (when the user wishes to view or download the photographs on the server, he or she logs on to the server at http://www.ritzPIX.com, and enters a user ID and a password, after which the photographs are displayed and may be downloaded).

Although, the Ritz website does not specifically require a user to make a direct request in order to store a copy of the digital content on the server (in case of a roll of film), as it can be done by the local store employees on behalf of the user, Parry describes his system of automatic posting of digital images, wherein a user does make a request to upload and automatically post digital images to a server site (Fig. 1, that shows a sender 24, using a computer system 30 to request to print and simultaneously

post the digital camera image 22 to a website 32, via a network communication link 20; paragraph 0023 discloses the same details, summarizing the process in lines 19-22).

However, Parry does not specifically disclose providing a compressed copy of the digital content for storing on the server.

In the same field of endeavor, Katz et al. show and disclose a method wherein executing the step of compressing the digital content prior to performing the step of uploading the digital content (Fig. 2 that shows Authoring system 280 uploading compressed digital information files 262 to the library server 260; paragraph 0030, lines 1-6 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to compress the digital content prior to uploading it, as taught by Katz et al. in the method of Parry, so as to be able to store digital content more efficiently, since a compressed digital content file occupies a small fraction of the disc storage than an uncompressed file.

Claims 3-7, 10-12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Parry (U.S. Patent Application Publication # 2003/0078963 A1)** in view of **de Jong (U.S. Patent Application Publication # 2004/0083391 A1).**

Consider **claim 3**, and **as it applies to claim 1 above**, Parry discloses the claimed method, except wherein the digital content is received by a rendering device.

In the same field of endeavor, de Jong shows and discloses a method wherein the digital content is received by a rendering device (Fig. 3 that shows several rendering devices such as a PDA, a laptop, and a mobile phone; paragraph 0118 in addition lists a MP3 player or a game console etc.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a rendering device for receiving to play back or view the digital contents, as taught by de Jong in the method of Parry, so as to be able to play back or view the digital contents received from the server.

Consider **claim 4**, and **as it applies to claim 3 above**, Parry discloses the claimed method, except wherein said rendering device is a portable digital content player.

In the same field of endeavor, de Jong shows and discloses a method wherein said rendering device is a portable digital content player (paragraph 0118 that lists a MP3 player, which is a portable digital content player).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a portable digital content player as a rendering device for receiving to play back the digital contents, as taught by de Jong in the method of Parry, because of the popularity and widespread use of such devices.

Consider **claim 5**, and **as it applies to claim 3 above**, Parry discloses the claimed method, except wherein said rendering device is an audio player.

In the same field of endeavor, de Jong shows and discloses a method wherein said rendering device is an audio player (paragraph 0118 that lists a MP3 player, which is an audio player).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an audio player as a rendering device for receiving to play back the digital contents, as taught by de Jong in the method of Parry, because of the popularity and widespread use of such devices.

Consider **claim 6**, and **as it applies to claim 3 above**, Parry discloses the claimed method, except wherein said rendering device is an audio/visual player.

In the same field of endeavor, de Jong shows and discloses a method wherein said rendering device is an audio/visual player (paragraph 0118 that lists a game console, which is an audio/visual player).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an audio/visual player as a rendering device for receiving to play back the digital contents, as taught by de Jong in the method of Parry, because of the popularity and widespread use of such devices.

Consider **claim 7**, and **as it applies to claim 3 above**, Parry as modified by de Jong, further shows and discloses the claimed method wherein said rendering device is a printing apparatus (Figs. 1 and 3, sender printer block 18; paragraph 0029 that

describes the sender printer both as an automated posting interface to the server and as a rendering device to print the digital image).

Consider **claim 10**, and **as it applies to claim 3 above**, Parry discloses the claimed method, except wherein the digital content is received by the rendering device over a wireless transmission link.

In the same field of endeavor, de Jong shows and discloses a method wherein the digital content is received by the rendering device over a wireless transmission link (Fig. 3, Network block 310, connecting to wireless mobile phone, a laptop, and a PDA; paragraph 0121 that lists a VIM (Wireless Interface Module) in the rendering device interfacing with the network 310).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive the digital content by a rendering device over a wireless transmission link, as taught by de Jong in the method of Parry, so that the user has the flexibility of accessing digital contents from anywhere.

Consider **claim 11**, and **as it applies to claim 1 above**, Parry discloses the claimed method, except wherein the digital content includes audio content.

In the same field of endeavor, de Jong shows and discloses a method wherein the digital content includes audio content (paragraph 0131 that lists a MP3 player, which is an digital audio player, as a rendering device for digital content delivery).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include audio content as a part of the digital contents delivery, as taught by de Jong in the method of Parry, because of the popularity and widespread use of digital audio content for music and radio programs.

Consider **claim 12**, and **as it applies to claim 1 above**, Parry discloses the claimed method, except wherein the digital content includes video content.

In the same field of endeavor, de Jong shows and discloses a method wherein the digital content includes video content (paragraph 0131 that lists a laptop PC and a game console, both of which can play digital video content, as a rendering device for digital video content delivery).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include video content as a part of the digital contents delivery, as taught by de Jong in the method of Parry, because of the popularity and widespread use of digital video content for DVD movies and games.

Consider **claim 17**, and **as it applies to claim 1 above**, Parry discloses the claimed method, except wherein the user ID comprises biometric data.

In the same field of endeavor, de Jong shows and discloses a method wherein the user ID comprises biometric data (Fig. 5, user device 500; paragraph 0135, lines 5-7 which disclose that user authentication data is provided by user device 500 in the form of a password, PIN, biometric data, or the like).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide user ID in the form of biometric data, as taught by de Jong, in the method of Parry, so as to provide instant identification for recognizing the user as the authorized owner of the digital content.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Parry (U.S. Patent Application Publication # 2003/0078963 A1)** in view of **Hendrick (U.S. Patent Publication # 6,792,464 B2).**

Consider **claims 13-14**, and **as they apply to claim 1 above**, Parry discloses the claimed method, except wherein the user ID is provided from an IC chip.

In the same field of endeavor, Hendrick discloses a method wherein the user ID is provided from an IC chip (column 1, lines 19-21 that describe use of a smart card with an embedded microchip that stores user's profile; column 7, lines 6-8 which disclose that a smart card reader is adapted to read the login (user ID) and password information contained on the smart card).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide user ID from an IC chip, as taught by Hendrick, in the method of Parry, so as to provide an automated identification by which to recognize the user as the real owner of the digital content.

Consider **claim 15**, and **as it applies to claim 13 above**, Parry discloses the claimed method, except wherein said IC chip is a non-contact IC card.

In the same field of endeavor, Hendrick discloses a method wherein the user ID is provided from a non-contact IC card (column 1, lines 39-44 which disclose that smart cards can be of two types: "contact smart cards" (using ISO 7816 Interface) and "contact-less smart cards" (using RFID chips and ISO 15693 Interface) for identification purposes, such as user ID detection).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide user ID from a non-contact IC card, as taught by Hendrick, in the method of Parry, so as to provide instant, non-contact proximity identification to recognize the user as the real owner of the digital content.

Consider **claim 16**, and **as it applies to claim 14 above**, Parry discloses the claimed method, except wherein said IC chip is a non-contact IC card.

In the same field of endeavor, Hendrick discloses a method wherein the user ID is provided from a non-contact IC card (column 1, lines 39-44 which disclose that smart cards can be of two types: "contact smart cards" (using ISO 7816 Interface) and "contact-less smart cards" (using RFID chips and ISO 15693 Interface) for identification purposes, such as user ID detection).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide user ID from a non-contact IC card, as

taught by Hendrick, in the method of Parry, so as to provide instant, non-contact proximity identification to recognize the user as the real owner of the digital content.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Parry (U.S. Patent Application Publication # 2003/0078963 A1)** in view of **Simpson et al. (U.S. Patent Application Publication # 2002/0184335 A1).**

Consider **claim 18**, and **as it applies to claim 1 above**, Parry discloses the claimed method, except the step of receiving digital content comprises the step of receiving only a segment of the digital content and further comprising the step of providing to the server the user ID in order to receive a subsequent segment of the digital content.

In the same field of endeavor, Simpson et al., disclose a method wherein the step of receiving digital content comprises the step of receiving only a segment of the digital content and further comprising the step of providing to the server the user ID in order to receive a subsequent segment of the digital content (Figs. 1 and 6; paragraphs 0032-0033, and paragraph 0049 that disclose an Extension block 30 providing User Info 32 (user ID) before receiving the digital content; in Fig. 6, a thumbnail preview of the digital camera's contents as an initial segment with a checkbox under each thumbnail image to either select or skip receiving, as a subsequent segment, the digital image corresponding to the thumbnail shown).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive only a segment of the digital content and provide to the server the user ID in order to receive a subsequent segment of the digital content, as taught by Simpson et al., in the method of Parry, so as to provide the user a preview option with means to select what the user really desires to receive of the full complement of the digital content.

Claim 18 is also rejected under 35 U.S.C. 103(a) as being unpatentable over **Parry (U.S. Patent Application Publication # 2003/0078963 A1)** in view of **Katz et al. (U.S. Patent Application Publication # 2003/0140114 A1).**

Consider **claim 18**, and **as it applies to claim 1 above**, Parry discloses the claimed method, except the step of receiving digital content comprises the step of receiving only a segment of the digital content and further comprising the step of providing to the server the user ID in order to receive a subsequent segment of the digital content.

In the same field of endeavor, Katz et al., disclose a method wherein the step of receiving digital content comprises the step of receiving only a segment of the digital content and further comprising the step of providing to the server the user ID in order to receive a subsequent segment of the digital content (Fig. 2, Segment Download Data block 222 and Segment Navigation Data block 218; paragraph 0035, lines 1-6 and paragraph 0041, lines 7-16 that disclose the details for segmented download of digital

contents; also paragraph 0037, lines 28-36 that disclose providing preview clips before sending the entire digital content).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive only a segment of the digital content and provide to the server the user ID in order to receive a subsequent segment of the digital content, as taught by Katz et al., in the method of Parry, so as to provide the user an option to receive only certain desired segments instead of the full complement of the digital content.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Parry (U.S. Patent Application Publication # 2003/0078963 A1)** in view of **Hendrick (U.S. Patent Publication # 6,792,464 B2)** and further in view of **Simpson et al. (U.S. Patent Application Publication # 2002/0184335 A1).**

Consider **claim 19**, and **as it applies to claim 14 above**, Parry as modified by Hendrick, discloses the claimed method, except the step of receiving digital content comprises the step of receiving only a segment of the digital content and further comprising the step of providing to the server the user ID in order to receive a subsequent segment of the digital content.

In the same field of endeavor, Simpson et al. show and disclose a method wherein the step of receiving digital content comprises the step of receiving only a segment of the digital content and further comprising the step of providing to the server

the user ID in order to receive a subsequent segment of the digital content (Figs. 1 and 6; paragraphs 0032-0033, and paragraph 0049 that disclose an Extension block 30 providing User Info 32 (user ID) before receiving the digital content; in Fig. 6, a thumbnail preview of the digital camera's contents as an initial segment with a checkbox under each thumbnail image to either select or skip receiving, as a subsequent segment, the digital image corresponding to the thumbnail shown).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive only a segment of the digital content and provide to the server the user ID in order to receive a subsequent segment of the digital content, as taught by Simpson et al., in the method of Parry, as modified by Hendrick, so as to provide the user a preview option with means to select what the user really desires to receive of the full complement of the digital content.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Katz et al. (U.S. Patent Application Publication # 2003/0140114 A1)** in view of **de Jong (U.S. Patent Application Publication # 2004/0083391 A1).**

Consider **claim 22**, and **as it applies to claim 20 above**, Katz et al. disclose the claimed apparatus, except wherein said digital content includes visual information and said renditioning unit includes a display.

In the same field of endeavor, de Jong shows and discloses an apparatus wherein said digital content includes visual information and said renditioning unit

includes a display (paragraph 0118 that lists a game console, which includes a display to show visual information of the digital content).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a renditioning unit that includes a display for displaying the visual information of the digital content, as taught by de Jong in the apparatus of Katz et al., because of the popularity and widespread use of visual information in the digital content.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Katz et al. (U.S. Patent Application Publication # 2003/0140114 A1)** in view of **Parry (U.S. Patent Application Publication # 2003/0078963 A1).**

Consider **claim 23**, and **as it applies to claim 20 above**, Katz et al. disclose the claimed apparatus, except wherein said digital content includes text or graphical based information and said renditioning unit includes a printer.

In the same field of endeavor, Parry shows and discloses an apparatus wherein said digital content includes text or graphical based information and said renditioning unit includes a printer (Figs. 1 and 3, sender printer block 18; paragraph 0029 that describes the sender printer both as an automated posting interface to the server and as a rendering device to print the digital image).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a renditioning unit that includes a printer for

printing the text or graphical based information of the digital content, as taught by Parry in the apparatus of Katz et al., because of the popularity and widespread use of pictures and graphics with text in the digital content.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Katz et al. (U.S. Patent Application Publication # 2003/0140114 A1)** in view of **Hendrick (U.S. Patent Publication # 6,792,464 B2).**

Consider **claim 24**, and **as it applies to claim 20 above**, Katz et al. disclose the claimed apparatus, except wherein said input device is an IC chip reader/writer.

In the same field of endeavor, Hendrick discloses an apparatus wherein said input device is an IC chip reader/writer (Fig. 3, block 18; column 7, lines 6-8 that disclose a smart card reader 18, adapted to read login (user ID) and password information contained on the smart card 14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an IC chip reader/writer as an input device for user ID, as taught by Hendrick, in the apparatus of Katz et al., so as to provide user identification by which to recognize the user as the real owner of the digital content.

Consider **claim 25**, and **as it applies to claim 24 above**, Katz et al. disclose the claimed apparatus, except wherein said IC chip reader/writer is a non-contact IC chip reader/writer.

In the same field of endeavor, Hendrick discloses an apparatus wherein said IC chip reader/writer is a non-contact IC chip reader/writer (column 1, lines 39-44 which disclose that smart cards and corresponding card readers can be of two types: "contact smart cards" (using ISO 7816 Interface) and "contact-less smart cards" (using RFID chips and ISO 15693 Interface) for identification purposes, such as for reading user ID).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a non-contact IC chip reader/writer to read user ID from a smart card, as taught by Hendrick, in the apparatus of Katz et al., so as to provide instant, non-contact proximity identification to recognize the user as the real owner of the digital content.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Katz et al. (U.S. Patent Application Publication # 2003/0140114 A1)** in view of **Seago et al. (U.S. Patent Application Publication # 2004/0054923 A1).**

Consider **claim 27**, and **as it applies to claim 26 above**, Katz et al. disclose the claimed apparatus, except wherein said RF transceiver employs a wireless protocol selected from the group consisting of Bluetooth, IEEE 802.11, IEEE 802.15, IEEE 802.16, Near Field Communication—Interface and Protocol ("NFCIP-1"), and HomeRF.

In the same field of endeavor, Seago et al. disclose an apparatus wherein said RF transceiver employs a wireless protocol selected from the group consisting of Bluetooth, IEEE 802.11, IEEE 802.15, IEEE 802.16, Near Field Communication—

Interface and Protocol ("NFCIP-1"), and HomeRF (paragraph 0019, lines 20-29 that discloses several of these wireless protocols being used).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ a wireless protocol selected from the group consisting of Bluetooth, IEEE 802.11, IEEE 802.15, IEEE 802.16, Near Field Communication—Interface and Protocol ("NFCIP-1"), and HomeRF, as taught by Seago et al. in the apparatus of Katz et al., because of the popularity and widespread use of wireless technology that provides access to digital content anytime and anywhere.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Publication # 7,200,575 B2, inventor: Hans et al., filed 02/27/2001

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K.G.B./kgb

July 7, 2007

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